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Summary record of the first part (public)* of the 2511th meeting
Held at Headquarters, New York, on Monday, 17 March 2008, at 10 a.m.

Chairperson: Mr. Rivas Posada

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* No summary record was prepared for the second part (closed) of the meeting.

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The meeting was called to order at 10.05 a.m.

Opening of the session by the representative of the Secretary-General

1. **Mr. Mbaidjol** (Office of the United Nations High Commissioner for Human Rights) said that he wished to highlight a number of developments that had taken place since the Committee's previous session. As part of its ongoing efforts to review, rationalize and improve mandates, the Human Rights Council had decided to transfer the mandate of the now discontinued Group of Experts on Darfur to the Special Rapporteur on the situation of human rights in the Sudan; a new Special Rapporteur on contemporary forms of slavery was due to replace the former Working Group on Contemporary Forms of Slavery; and a new expert mechanism on the rights of indigenous peoples would replace the former Working Group on Indigenous Populations.

2. In addition, at its seventh session, the Council would be reviewing the scope of 14 country and thematic mandates and, on 25 March 2008, would appoint mandate-holders for 12 special procedures. The President of the Council had recently published the list of candidates. Given that five new mandate-holders would be appointed at the Council's eighth session in June 2008 and that further appointments would be made at its ninth session in September 2008, more than half the Council's 38 mandates would be reviewed in 2008. At their forthcoming annual meeting in June 2008, mandate-holders would focus on strengthening the effectiveness of special procedures, including cooperation between the latter and other human rights mechanisms. Those developments would offer fresh perspectives for interaction between special procedures mandate-holders and the Committee.

3. The first session of the Working Group responsible for conducting the universal periodic review would be held from 7 to 18 April 2008. In accordance with Human Rights Council resolution 5/1, a group of three rapporteurs, referred to as a "troika", would be formed to facilitate each review, including the preparation of the report of the Working Group. The list of troikas selected for the first and second sessions was available on the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR). On 25 February 2008, the national reports of most of the 16 States to be reviewed at the first session, together with compilations of pertinent information prepared by OHCHR, had been posted on the OHCHR website. The reports prepared by OHCHR were of particular relevance to the Committee because they included information on national follow-up to concluding observations and Views. Such information was indicative of the level of cooperation between the States concerned and the treaty bodies. The outcome of the reviews conducted by the Working Group would also be instructive for the Human Rights Committee in the context of its efforts to streamline its relationship with the Council and to develop procedures and guidelines for enhanced cooperation with special procedures mandate-holders.

4. In late January 2008, the Council had also convened its sixth special session, on human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent ones in occupied Gaza and the West Bank town of Nablus. The session had culminated in the adoption of a resolution calling, inter alia, for immediate protection of the Palestinian civilians in the Occupied Palestinian Territory in compliance with human rights law and international humanitarian law.

5. As for the reform of the treaty body system, the secretariat of the Committee on the Elimination of Discrimination against Women had been transferred to Geneva and, at its fortieth session, the Committee had adopted revised reporting guidelines for documents relating specifically to its work. The Committee on Economic, Social and Cultural Rights had also made significant progress in that sphere and planned to discuss a draft set of revised reporting guidelines at its upcoming fortieth session. In that connection, the report on the revision of treaty-specific guidelines prepared by Mr. O'Flaherty was an important step forward.

6. Since the Committee's previous session, Samoa, Vanuatu and Cuba had acceded to the Covenant and Moldova and the Philippines had ratified the Optional Protocol and the Second Optional Protocol thereto, respectively. Croatia had submitted its second periodic report, Argentina and the Netherlands Antilles their fourth periodic reports, Ecuador and New Zealand their fifth periodic reports and the Russian Federation its sixth periodic report. The agenda of the current session was extremely full, including the examination of four country reports, the adoption of lists of issues in response to a further four reports, the consideration of a large number of communications and further

discussion of working methods. In addition, the Committee would begin its deliberations on a draft general comment on States parties' obligations under the Optional Protocol to the Covenant and would consider the progress reports submitted by the Special Rapporteur for follow-up on concluding observations and the Special Rapporteur for follow-up on Views. In closing, he wished the Committee every success in the discharge of its mandate and assured its members of the Secretariat's full support.

Adoption of the agenda

7. *The agenda was adopted.*

Organizational and other matters

8. **Mr. Shearer**, speaking as Chairperson/Rapporteur of the Working Group on Communications, said that the Working Group, composed of 10 members of the Committee, had met from 10 to 14 March 2008. The Working Group had considered a total of 32 communications, of which one had been deferred pending receipt of supplementary information from the parties, 19 had been dealt with on the merits, nine had been declared inadmissible and three had been declared admissible by consensus. One of the latter cases had been referred to the plenary on account of the significance of its subject matter.

9. In addition, one substantive issue, namely the scope of the competence of the Special Rapporteur on new communications, had been referred to the plenary for further consideration. In accordance with established procedures designed to expedite the disposal of individual complaints, communications declared inadmissible by the Special Rapporteur were not forwarded to the States parties concerned. The Working Group was concerned, however, that, in some cases, those procedures might constitute a violation of article 4, paragraph 1, of the Optional Protocol to the Covenant, pursuant to which the Committee must bring any communications submitted to it to the attention of the State party alleged to be violating any provision of the Covenant. Only communications declared inadmissible under article 3 of the Optional Protocol were exempt from that procedure but, in some cases, the Special Rapporteur on new communications had cited article 2 as the grounds for inadmissibility.

10. **Mr. Amor** commended the Working Group for the number of communications it had considered. He was concerned, however, about the potential for a backlog and urged the Committee to discuss ways and means of addressing that issue. The Working Group had been able to consider so many communications by drastically reducing the time taken to introduce them; the plenary Committee should therefore streamline its own procedures in a similar manner. In that connection, and with a view to further expediting the processing of individual complaints, the Special Rapporteur on new communications must be empowered to take decisions on admissibility in order to prevent the registration of manifestly inadmissible communications.

11. **Ms. Motoc** echoed Mr. Amor's remarks concerning the need to reduce the time devoted to the introduction of communications and agreed with Mr. Shearer that the Committee should endeavour to reach agreement on the scope of the competence of the Special Rapporteur on new communications. Lastly, referring to the links between the Committee and the universal periodic review mechanism, she suggested discussing arrangements for media coverage of the current session.

The public part of the meeting rose at 10.40 a.m.